



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

January 22, 2008

PRESENT: Acevedo, Benich, Davenport, Escobar, Mueller, Tanda

ABSENT: Koepp-Baker

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Linder, and Minutes Clerk Johnson. Other staff/evaluators of the RCDS applications were also present.

Chair Escobar called the meeting to order at 7:02 p.m. and led the flag salute.

Note: a workshop for Commissioner/staff discussion of global issues for the RDCS Measures F and C competitions (including explanation of staff recommendations) was opened at 6:11 p.m. (Attachment 1 to these minutes)

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

With no members of the audience indicating a wish to speak to matters not appearing on the agenda, Chair Escobar opened, and then closed, the public comment period.

MINUTES:

DECEMBER 11,
2007

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE DECEMBER 11, 2007 MINUTES WITH THE FOLLOWING AMENDMENTS:

Page 3, paragraph 2: ...~~Sp~~ SP Linder....

Page 13, paragraph 4 (italicized): *Commissioner ~~Aeevado~~ Acevedo*

THE MOTION PASSED (6-0-0-1) BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

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PUBLIC HEARING:

1) DAA-05-05C/
DSA-07-16: E.
CENTRAL-HU/
DELCO

The applicant is requesting approval to amend the development agreement to allow for an extension of time for the FY 2007-08 & 2008-09 building allotments and approval of a development schedule for the overall 39-unit single-family residential development located on north side of Central Ave. east of Butterfield Blvd.

SP Linder gave the staff report, noting a previous extension (September 2007) for this project had been granted. She noted that the prepared resolution addresses the BUILDING PERMITS and COMMENCE CONSTRUCTION categories and suggested it might be worth considering further adjustment to the building permit submittals dates:

FY 2007-08 05-30-08>>10/30/09

FY 2008-09 from 6/15/08>>10/30/09

in view of a perceived quick plan check process.

SP Linder stated that the project developer had displayed diligence with a 'lot of time, energy, and money' as she relayed staff's recommendation for approval of the request.

Commissioner Benich noted the prior extension was for nine months and asked clarification for the dates of COMMENCE CONSTRUCTION. SP Linder complied, and further explained that the developer can proceed earlier if he is able to do so. Responding to a question from Commissioner Mueller, SP Linder said the action requested was comparable to that of the Mission Ranch project which was granted an extension at the last meeting of the Planning Commission.

Chair Escobar opened the public hearing.

Don Lapidus, 991 Solana Ct., Mt. View, was present to represent Morgan Hill Associates, developers of project. Mr. Lapidus asked to speak to both agenda items 1 and 2, with 'generic comments'. Mr. Lapidus repeated what others who have addressed the Commissioners have said:

- there is a crisis throughout the home building industry nationwide
- sales are dropped at escrow and new buyers continue to languish
- lenders are not forthcoming with funds for building more homes without sales

"When the current trend bottoms out and the rebound begins, we will get busy. Right now, however; we still have to pay interest. We are asking for the opportunity to get through this. We, like others, are waiting for the market to get better. We remain a strong company, and will commence construction as soon as possible," Mr. Lapidus said. He went on to thank SP Linder for all the work in assisting him 'through the process'.

With no others present to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A PREPARED RESOLUTION APPROVING AN AMENDED DEVELOPMENT SCHEDULE FOR BUILDING ALLOCATIONS AWARDED FOR FY 2007-08 AND 2008-09 AWARDED TO APPLICATION MC-04-14: CENTRAL-HU (DELCO). COMMISSIONER TANDA, NOTING THE FINDINGS AND CONDITIONS WITHIN THE RESOLUTION, SECONDED THE MOTION.

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Under discussion, Commissioner Tanda asked for clarification of the actions (regarding changes in the development schedules) at the last meeting. It was explained that the requests dealt with allocation for differing years. Commissioner Tanda also asked, "If the market turns in some positive way in the near future, can the applicant come back in and redo the request?" Commissioner Mueller explained the allocations process, with these being ~~from~~ *for* the next fiscal year. We're trying to delay the process even more by granting extensions because of the difficult times."

SP Linder reminded that a developer can pull permits earlier if needed.

Chair Escobar said that a big part of the question is that there is no guarantee to recovery, as he asked staff if there was any thought of revisiting other applications? [Yes]

THE MOTION PASSED (6-0-0-1) BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

COMMISSIONER MUELLER OFFERED A PREPARED RESOLUTION RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION DAA-05-05 FOR APPLICATION MP-04-14: CENTRAL-HU (DELCO). TO ALLOW FOR AN 18 & 26 MONTH EXTENSION OF THE COMMENCE CONSTRUCTION FOR 5 & 15 ALLOCATIONS RECEIVED FOR FISCAL YEARS 2007-08 AND 2008-09, RESPECTIVELY AND INCLUSIVE OF THE FINDINGS AND CONDITIONS. COMMISSIONER BENICH SECONDED THE MOTION, WHICH PASSED (6-0-0-1), BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

2) DAA-04-09C/ DSA-07-15: E. DUNNE-DELCO

The applicant is requesting approval to amend the development agreement to allow for an extension of time for FY 2007-08, 2008-09 & 2009-10 building allotments and amendment of development schedule for the overall 78-unit single-family residential development located on the southwest corner of the intersection of E. Dunne Ave. and San Benancio Way.

SP Linder gave the staff report, noting this is the 'same request, same developer', different property. She noted that this request, which again focuses on

- building permit submittal
- obtain building permits *and*
- commence construction

with the information having been presented in the distributed staff report.

"Staff feels this is a serious developer who is seriously taking time to complete his obligation," SP Linder said. "The modifications being requested seem reasonable to staff in view of the current market conditions."

Chair Escobar opened the public hearing.

Don Lapidus, 991 Solana Ct., Mt. View, was present to represent Morgan Hill

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Associates, developers of project. He noted that he had spoken to both the projects requests previously and would answer questions.

With no others present to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A PREPARED RESOLUTION RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION DAA-04-09 FOR APPLICATION MP-02-06 & MC-04-12: E. DUNNE-DEMPSEY (DELCO). TO ALLOW FOR A TWELVE MONTH EXTENSION FOR COMMENCEMENT OF CONSTRUCTION ALLOCATIONS AWARDED FOR FISCAL YEAR 2008-09, TOGETHER WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER BENICH SECONDED THE MOTION WHICH PASSED (6-0-0-1) BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

COMMISSIONER MUELLER OFFERED THE PREPARED RESOLUTION APPROVING AN AMENDED DEVELOPMENT SCHEDULE FOR BUILDING ALLOCATIONS AWARDED FOR FY 2008-09 AND FY 2009-10 AWARDED TO APPLICATIONS MP-02-06: E. DUNNE-DEMPSEY & MC-04-12: E. DUNNE-DELCO, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER BENICH SECONDED THE MOTION WHICH PASSED (6-0-0-1) BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

Responding to questions from a member of the public, Jennifer Kim, 16845 San Benancio Way, Chair Escobar reopened the public hearing.

Ms. Kim asked questions regarding:
the relation of this development to Jasper Park
HOA responsibilities of maintenance for a much larger project

PM Rowe responded that the HOA assessments are structured so the developer with the largest interest must carry the burden of the larger project. Replying to further questions from Ms. Kim, PM Rowe also advised that the developer is still required to complete the improvements even if the development is sold. "Those obligations cannot be changed," he said.

Chair Escobar advised Ms. Kim that further questions could be answered by calling Planning Staff.

With no others present to speak to the matter, the public hearing was closed.

**3) SD-07-08:
MONTEREY-
ALCINI/PINN
BROTHERS**

A request for approval of a six-lot subdivision of a 1.6-acre site located on the north east quadrant of the intersection of Monterey Rd. and Bisceglia. The zoning on the parcel is Planned Unit Development.

SP Linder presented the staff report, indicating that this subdivision request consists of

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the creation of six lots within the western 1.6 acre portion of the 3.5 PUD located near the intersection of Monterey Rd. and Bisceglia Ave, and then extending east to Church St. Creation of the six lots would allow for the development of the 32-unit mixed use portion of the project. SP Linder noted that grading plans have been provided as part of the subdivision application, showing the site elevated 3- 4 feet above the existing natural grade, and describing the requirement to raise finish floor of the building within the special Flood Hazard Area. Because the floor height must be raised, SP Linder said, the developer must either pad the entire site or construct raised foundations of flood proof materials. Noting the change in grade between the sidewalk and finished floor, the applicant has chosen to propose to pad the entire site, SP Linder said. She also reminded that currently, Rancho Del Pueblo shares the park and detention pond with this project. As to the design features, SP Linder advised, if the developer uses a retaining wall incorporated within the design, together with staircases {within the plaza area between the buildings, providing the transition from grade level at side walk to grade on site} and ramps {meeting ADA requirements}.

Commissioner Tanda asked for explanation of financing components of the project. SP Linder explained the bank loaning is dependent on a specific number of project or parts of project. SP Linder went on to describe the common area (parcel 5) and noted that the other lots could be sold separately, but with City requirements and CC&Rs, a HOA common to one project would make more sense.

Commissioner Benich remarked that this project reminded him of redevelopment in Philadelphia and Boston. He asked for further clarification of the step placement and access to the rear. SP Linder pointed out that one of the reasons for the east elevation at grade was to meet ADA requirements, and further noticed that elevators were located to the rear.

Commissioner Mueller expressed concern that there would only be stairs at the building's center making access more difficult as customers would have to 'backtrack' once the stairs were achieved. SP Linder explained the 'openings' available for access.

Responding to a question from Commissioner Mueller, SP Linder pointed to the Church Street project, with this project using the same City requirements, CC&Rs, and HOA. She further noted that filing instructions were required as part of escrow. PM Rowe interjected that Articles of Incorporation were filed as part of the White Paper with the State. Commissioner Mueller cautioned, "It is necessary for the City to be copied with the filing instructions as there could be multiple filings with the State and the City needs to make sure everything is in place.

Chair Escobar opened the public hearing.

John Moniz, 1475 Saratoga Ave., San Jose spoke to the Commissioners as a representative of the applicant. Mr. Moniz said his company has had considerable experience in working on in-fill projects such as this. He touted the good access with a variety of outstanding development features into the project.

Commissioner Davenport remarked he was happy to see the design included solar panels on the roof and asked that utility generation estimates be provided in the future.

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Noting Commissioner Mueller's concern of access at the front center point of the project, Mr. Moniz explained the entrances, including the ramp to sidewalk (described as ADA compliant) and the ramp on the south side of the structure. The store fronts are not intended for access, he said.

With no others present to address the matter, the public hearing was closed.

NOTING THE FINDINGS AND CONDITIONS WITHIN THE PREPARED RESOLUTION, COMMISSIONER MUELLER MOTIONED TO APPROVE A 6-LOT SUBDIVISION OF A 1.6-ACRE SITE LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MONTEREY ROAD AND BISCELIA AVE. COMMISSIONER DAVENPORT SECONDED THE MOTION, WHICH PASSED (6-0-0-1), BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

4) PROPOSED RESIDENTIAL DEVELOPMENTS REQUESTING A BUILDING ALLOTMENT UNDER THE CITY'S RDCS MEASURE'S "F" AND "C"

PM Rowe gave the staff report, noting the global issues discussed in workshop earlier this evening (Attachment 1). He went on to explain the two competitions – inclusive of the criteria and procedures for scoring of each - before the Commissioners at this meeting:

- Measure F [Downtown core are only; up to 100 units] which had received one application (all 14 categories of the scoring grid were applicable to Measure F applications)
- Measure C: micro no more than 6 units; 3 applications requesting 13 allocations total (3 allocations were available for award, with all having passed part 1 of part a above minimum score in each of the 8 categories)

PM Rowe advised that at this meeting, public hearing would be opened for each of the Measure C competitions, as well as Commission/staff discussion of the scoring. "Then, at the meeting on January 29 the Commissioners will have the opportunity to review the final adjusted scoring and award the Commissioner's point(s) under the Livable Communities category," PM Rowe stated. "That will take into account the scoring categories staff was directed to evaluate during this evening's workshop." He also called attention to the letter received, and said staff was prepared to respond to each of the correspondences, as well as any change of points ascertained during the public hearings and/or discussions between the Commissioners and staff.

Chair Escobar announced that the public hearings were a formal process which would not result in decision making for approval/denial of projects at this meeting. "This is an opportunity for the Commissioners to study scores for placement on a list for approval of allocations. Then projects can be addressed (specifically with points and rankings) at a later date. This is a competition for allocations and each of the four items will have public hearing," He said.

Commissioners discussed:

- population cap set by voters of 48,000 by 2020
- control growth by number of houses
- this competitive process results in only the highest scoring applications considered for allocation
- process takes much time

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- differences can be very small
- competition very stiff and very competitive

PM Rowe was asked to give an overview of the requirements of Measure C in scoring and award allocation. Commissioner Mueller remarked that if too few allocations are awarded to a project, the developer can't build will then ask for extensions or try to get more allocations, building all at once for better economics. Further discussion ensued regarding the economics of subdivision development

Commissioner Acevedo raised the issue of the Measure F project (Sherman House) and asking for clarification of the City's interest in the project. Considerable discussion ensued, with PM Rowe noting that the City is not the applicant at this time as the City does not own the property. PM Rowe was directed to obtain an opinion from the City Attorney as to a conflict of interest in having City staff review and evaluate the Measure F application. PM Rowe agreed to do so with a report forthcoming at the January 29 special meeting.

Chair Escobar reminded: "This is not an approval process for development but a determination if the criteria have been met and to what extent."

PM Rowe presented the staff reports for each of the four applications. He also:

- introduced the evaluators and identified the categories which they each judged
- told of the 'very exhaustive review' of the projects
- reminded Planning Commission who has final responsibility for point giving
- scores not cumulative - must look at part 1 and part 2

Disclosure: Commissioners Benich and Mueller noticed they had each visited each of the properties under discussion.

APPLICANTS FOR THE FOLLOWING PROPOSED RESIDENTIAL DEVELOPMENTS HAVE REQUESTED A BUILDING ALLOTMENT UNDER THE CITY'S RESIDENTIAL DEVELOPMENT CONTROL SYSTEM, PURSUANT TO CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE:

4a) MEASURE F, MF-07-01: MONTEREY-SHERMAN HOUSE ASSOCIATES:

A request for a Residential Development Control System (Measure F) building allocation. The project is a vertical mixed used development consisting of 23 residential condominium units and 12,912 square feet of ground floor retail space on a 0.7-acre parcel on the south side of East First Street and North side of East Second Street, east of Monterey Road.

Considerable discussion was had regarding the Standards and Criteria with PM Rowe announcing this project had received scores of:

Part A: Total **8.5**

Part B: **161**

Chair Escobar opened the public hearing.

Jim Dumas, 17555 Peak Ave., told the Commissioners he works the Redevelopment

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Agency of the City and was present to answer specific scoring questions. Mr. Dumas also indicated that the City had expressed interest in purchasing the site under discussion.

PM Rowe gave an overview of the scoring and requests by the applicant for increased scoring in specific categories. Various categories/issues were discussed in view of the applicant's request.

- Open Space
- Lot Layout (front entrance placement)
- Historical Marker

Parking issues were afforded considerable discussion. Staff acknowledged that currently the Code is not being met for parking. Safety issues of Lot Layout were also debated.

Erin Gil, 55 & 57 E. 2nd St., recalled to the Commissioners that a former applicant had asked for different set backs. Mr. Gil noted he would prefer a 20 foot set back rather than 10 feet. Mr. Gil also asked if this is a City or public project and also how the design elements will be addressed?

Chair Escobar responded that the Planning Commission has addressed ownership/application of the project, with the City Attorney to be consulted.

Commissioner Benich remarked that regardless of who develops the property, they must meet the City Code and the Planning Commission must review all variance requests.

Commissioner Mueller explained that on January 29 the point scores will be finalized with recommendation to the City Council. "As to what actually gets built, that is a whole separate process," he said.

With no others present to speak to the matter, the public hearing was closed.

Commissioners discussed:

- Quality of Construction: use of corrugated metal {objection to having metal facing Monterey Road}; SP Linder said currently the use of that material is not prohibited
- all new construction goes before ARB
- Schools: safe walking route between Live Oak High School and this project site
- Natural and Environmental (application received points, but should be subtracted)

4b) MICRO MEASURE C, MMC-07-02: MONTEREY-MALECH: A request for a Residential Development Control System (Measure C) building allocation for Fiscal Year 2009-10. The project is a commercial and residential mixed-use development adding four townhouse units to an existing commercial development located at 17770 Monterey Road.

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Categories discussed included:

- Orderly and Contiguous: scoring encompassed whole of property including commercial and residential; scoring represented reflected only residential {may affect total scoring and will be reevaluated}
- Schools: walking route to not direct; safe walking route guidelines reviewed
- Lot Layout: scoring for major and minor design explained; applicant has requested exception to Lot Layout (driveway areas and trash enclosure) SP Linder told of scoring major and minor design flaws
- Landscaping: group parking area; trees
- Parking design flaw: lack of on-site parking

Chair Escobar opened, and the closed, the public hearing as there were no persons present to address the matter. {Note: Engineer Bill McClintock was anticipated to be present at the January 29th Special Meeting to speak to the matter.}

4c) MICRO MEASURE C, MMC-07-03: MYRTLE-LATALA: A request for a Residential Development Control System (Measure C) building allocation for Fiscal Year 2009-2010. The project is a six unit single family attached development on .45 acres located on the south side of Myrtle Avenue between Monterey Road and Church Street.

This application asks for three allocations under an exemption as there is ready a phased plan in place.

Categories discussed were:

- Natural and Environmental: flood hazard area issues
- Orderly and Contiguous: page 18; percent adjacency table ~ difference of applicant and staff;) in order for adjacent defined as continuous; staff identified site's percentage development - not development to ultimate - so applicant concurred with change (4 >> 3 points ~ total 18 >> 17
- Public Facilities considerable discussion occurred regarding storm drain lines constructed entirely in street; criteria for subdivision public facilities to be in streets here this was not occurring (need consistency with other project's scoring)
- Lot Layout: parking requirements for duplex and privacy issues
- tells issues with lot layout commitment concerns by staff of privacy

Chair Escobar opened, and the closed, the public hearing as there were no persons present to address the matter. {Note: It was again announced that Engineer Bill McClintock was anticipated to be present at the January 29th Special Meeting to speak to the matter.}

4d) MICRO MEASURE C, MMC-07-04: E. DUNNE-LEUNG: A request for a Residential Development Control System (Measure C) building allocation for Fiscal Year 2009-2010. The project is a six dwelling unit development consisting of four single-family detached homes and a 2-unit duplex dwelling on a 2.11-acre parcel located at the northeast corner of the Hill Road and East Dunne Avenue intersection.

The first issue discussed was affirmation of the Commission consensus during the workshop regarding the extended scoring for tie breaking. All agree, however, that it

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was unknown at this time if a tie might exist.

Other issues discussed were:

- Public Facilities: storm drains installation criteria not being met
- the realignment of Hill Road and resultant utility connections
- drainage to detention pond (DDPW Bjarke was present to speak to the matter, including intent within the CIP for work)
- Public Works consideration of putting in a dual line
- desire to Nordstrom Park be real basin as designed
- concern that the detention pond will fill but not drain; Engineer McClintock will be asked to address
- agreement for one point for offsite sidewalks
- project density only applies to downtown projects

Chair Escobar opened the public hearing.

Sylvia Leung, 968 Hanson, gave a presentation of her development endeavors: past and present and future projects.
as studying very complex

Commissioner Mueller told of another project in the City which had similar issues with Fish and Game and the Water District having significant input. "Applicants need to really look at the entitlements they must go through to satisfy those agencies," he said. "Perhaps Mr. McClintock can address the storm drain issues at the next meeting."

With no others present to speak to the matter, the public hearing was closed.

Commission Review/Discussion:

Noting again that the scoring adjustments would be distributed before the January 29 meeting, Chair Escobar offered the Commissioners opportunity for modification. Discussion proceeded regarding:

- Public Facilities: construction of sidewalks (clarified under Open Space ~ Page 74)
- Parks and Pathways: need for connectivity providing access to public park

PM Rowe went over the scoring modifications suggested at this meeting and gave a summary of the presentations (revised scoring) anticipated for the next meeting, including the methodology for Planning Commission scoring of Project Excellence.

Commissioners asked questions regarding:

- Paths
- Parks
- Street Standards (including establishing cul de sacs)
- Circulation Efficiency

Commissioner Tanda explained that it appears a winner for Measure C actually had to go through six screenings and said he thought it would be good if the process was made clear as developers may be mistaken with a belief that they can compete at level 5 or 6 but may have been screened out. It was determined, he indicated, that scoring will require most of the categories (8 of 14) to move on, unless there was a tie.

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Clarification of scoring in the event of a tie was discussed, along with the Planning Commission point for excellence. Commissioner Mueller commented that it was not so much a true screening out as the Micro was a simpler competition unless a tie occurs.

ANNOUNCEMENTS:

PM Rowe said that next week the items on this agenda will be 'wrapped up'. "This critical to do as the next day the appeal period begins (15 days mandatory) with the recommendations going to the City Council February 20 and back to Planning Commission on February 26, putting us just under the deadline of March 1."

PM Rowe also relayed a request from CDD Molloy-Previsich to have the January 29 meeting convened at 6:00 p.m. when the scoring for the RDCS completion could be completed and the Downtown Specific Plan presented. The Commissioners agreed with the request, and Chair Escobar so ordered.

Commissioner Mueller suggested it might be prudent to talk about the timing of the Micro competition: every year or every other year. PM Rowe advised the City is trying to conduct the competition every other year, but the matter could be referred to the subcommittee following this competition. Commissioner Mueller continued by saying, "We still need to do something for scoring competitions."

ADJOURNMENT:

Ascertaining there was no further business to come before the Commissioners, Chair Escobar declared the meeting adjourned at 9:55 p.m.

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk

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ATTACHMENT 1: *Notes of a study session to discuss **GLOBAL ISSUES** within the applications for the proposed allocation awards of the Morgan Hill Residential Development Control System*

A workshop - to have Commissioner/staff discussion regarding global issues - was opened at 6:11 pm. Commissioner Koepp-Baker was absent; all other Commissioners were present.

PM Rowe provided an overview of the number of allocations available. He said this session is for establishing procedures with discussion centered on global issues, which are items of common theme determination by the Planning Commission to be applicable to all applicants.

Disclosure: Commissioners Benich and Mueller noticed they had each visited each of the properties under discussion.

Staff had identified four global issues PM Rowe advised:

1) Schools category: safe walking route; the effect on the Sherman House application (MF-070-01) was explained with the total for the Schools Category readjusted for an additional two points (19>>21 points) concern: multiple projects in an area have resulted in having multiple developers committed to monies for upgrades and points; now new projects come in and take advantage of existing work; danger of awarding competition time after time

PM Rowe reminded that the Planning Commission had emphasis on striving for consistency and had developed a policy of not making changes in the middle of competitions; instead making it known points would not be given beyond an identified date/competition

Responding to a question, PM Rowe said, "During the life of a project under construction, developers are encouraged to get all infrastructure in and 'other things done' before the end of the project." Discussion followed regarding the importance of the existing criteria: having the walking route completed by the end of a project.

The Commissioners present, with Commissioner Koepp-Baker absent – agreed:

- consistency must remain an underlying theme
- conditions may change with School Boundaries, whereby the Planning Commission has no control
- concern that the intent of the criteria is not being met even though consistency in place
- criteria may be viewed as open-ended

2) Orderly and Contiguous and Lot Layout These categories were used in judging the Master Plan and MC-07-02: Monterey-Malech was judged as a horizontal mixed-use.

PM Rowe described the location of the application project and explained the concern in question: two uses are described for the same property but with different land uses.

Orderly and Contiguous is applicable only to residential with this property being zoned

CL-R (Light Commercial-Residential), he said. Staff had determined, PM Rowe advised, that if the facilities been connected by some structure - even a driveway or other shared amenity would suffice – then staff's scoring could have reflected a cross connection.

Discussion ensued with the Commissioners having a common thought: the project as presented 'does not really meet what the City wants done with the zoning'. It was also noted that the uses have to be connected: mixed use zoning allows retail to the front of a property and residential to the rear, but with a connection. In this instance, there was no 'physical joining issue'.

Commissioners then focused on a side issue: this is an unusual piece of property and the unique circumstances may allow allocation awards if the matter of 'joining' can be covered in the PUD, as there is 'room in the front

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to get what the applicant wants and the City needs’.

3) Natural and Environmental PM Rowe advised that the project (MC-07-03 Myrtle-Latala) is in a 100-year flood area and in order to mitigate, it would require 3 - 4 feet of fill more than had been committed in the original application. “Again, we face the question of consistency,” he said. Commissioners discussed the issue, with the following being noted:

- in the future, if a project requires additional fill, points will not be awarded
- new information has been presented here, the question becomes: should a point be subtracted
- need for safer elevation for people who will live there
- point criteria is set and needs to be met
- leaning(s) toward not giving the point
- having point made up in some other way
- developer should acknowledge engineering error and be aware the criteria has not been met
- flood plain has ‘always been there and not different now’

It was noted that Bill McClintock, MH Engineering, was unable to be present for two of the above items (MF-070-01 and MC-07-03) due to a family obligation; Commissioners agreed that Mr. McClintock would be permitted to address the concerns raised – both by staff and the Commissioners – at the next meeting.)

4) expanded scoring in event of tie

PM Rowe advised that this issue had been raised in view of the staff scoring, wherein the Ordinance indicates that there shall be further evaluation according to category [increasing the evaluation categories from the basic eight (8) to the entire fourteen (14)]

One of the applicants, he said, had now requested the expanded scoring be applied to all three projects. The Commissioners discussed the matter, and said that in view of the scoring proximity, the expanded scoring in event of tie would apply only to projects with first round scoring ties. Considerable discussion of the expanded scoring and how it is to be achieved took place.